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16 Interim Co-Lead and Liaison Counsel for Indirect Purchaser Plaintiffs

17
18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 IN RE TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

) File No. 07-cv-00039-SI

) MDL No. 1827

22 _____
23 This Document Relates to:

) Case No. 07-cv-00039 – SI

24 CANDACE ROWLETTE, a Florida resident;
25 and MICHAEL FRANCIS AYERS, a
Massachusetts resident, on behalf of themselves
26 and all others similarly situated,

) REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE

) (LETTER ROGATORY)

27 Plaintiffs,

v.

LG PHILIPS LCD CO., LTD.; LG PHILIPS
 LCD AMERICA, INC.; LG ELECTRONICS
 IND.,; SAMSUNG ELECTRONICS CO.,
 LTD.; NEC CORPORATION; NEC
 ELECTRONICS AMERICA, INC.; NEC LCD
 TECHNOLOGIES LTD.; HITACHI LTD.;
 HITACHI DISPLAYS, LTD.; HITACHI
 ELECTRONICS DEVICES (USA), INC.;
 HITACHI AMERICA LTD.; IDT
 INTERNATIONAL LTD.;CMO JAPAN CO.,
 LTD; INTERNATIONAL DISPLAY
 TECHNOLOGY USA INC.; IPS ALPHA
 TECHNOLOGY, LTD.; ROYAL PHILIPS
 ELECTRONICS NV; SANYO EPSON
 IMAGING DEVICES CORPORATION;
 SANYO ELECTRIC COL, LTD.; SEIKO
 EPSON CORPORATION; SHARP
 CORPORATION; SHARP ELECTRONICS
 CORPORATION; SONY CORPORATION;
 TOSHIBA CORPORATION; TOSHIBA
 MATSUSHITA DISPLAY TECHNOLOGY
 CO. LTD.; MITSUBISHI ELECTRIC
 CORPORATION; AU OPTRONICS CORP.;
 AU OPTRONICS CORPORATION
 AMERICA; CHI MEI OPTOELECTRONICS
 CORPORATION; CHI MEI
 OPTOELECTRONICS USA, INC.;
 CHUNGHWA PICTURE TUBES, LTD.;
 HANNSTAR DISPLAY CORPORATION,

Defendants.

The United States District Court Northern District of California presents its compliments to the Appropriate Judicial Authority of Taiwan, and requests international assistance to effect service of process to be used in a civil proceeding before this Court in the above captioned matter.

1 **I. REQUEST**

2 This Court requests the assistance described herein as necessary in the interests of justice.
3 The assistance requested is that the Appropriate Judicial Authority of Taiwan effect Service of
4 Process of: Amended Summons in a Civil Case; First Amended Class Action Complaint; Pretrial
5 Order No. 5: Case Management; Judge Illston's Standing Order; Standing Order Re: Cases
6 Designated for Electronic Filing; Case Management Conference Order; *Dispute Resolution*
7 *Procedures in the Northern District of California* handbook; Notice Of Availability Of Magistrate
8 Judge To Exercise Jurisdiction; the United States District Court for the Northern District of
9 California's ECF Registration Information Handout; and Certified Translations of these documents
10 on the below-named corporation:

11 AU Optronics Corporation

12 No. 1, Li-Hsin Rd. 2, Hsinchu Science Park

13 Hsinchu 30078, Taiwan;

14 The Appropriate Judicial Authority of Taiwan is requested to serve the documents listed
15 above by personal service into the hands of a director, managing agent or other person authorized
16 to accept service at the above listed address or in any manner prescribed for the service of such
17 documents consistent with the law of Taiwan.

18 **II. FACTS OF THE CASE**

19 The Complaint in this action was been filed under Section 16 of the Clayton Act, (15
20 U.S.C. § 26), to obtain injunctive relief for violations of Section 1 of the Sherman Act, (15 U.S.C.
21 § 1), and to recover damages and/or restitution under various state antitrust and consumer
22 protection laws, including to recover the costs of suit, and reasonable attorneys' fees. This Court
23 has jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1337. The Court has
24 jurisdiction over the state law claims under 28 U.S.C. § 1367.

25 There are two general categories of cases in these related actions: (1) those brought under
26 federal law on behalf of direct purchasers; and (2) those brought generally under state law on
27 behalf of indirect purchasers, for which there are over seventy complaints covering twenty-three
28

1 different states. All plaintiffs allege that they purchased Thin Film Transistor Liquid Crystal
2 Display products (“TFT-LCD Products”) either directly or indirectly from defendants or from their
3 alleged co-conspirators. Plaintiffs claim damages caused by the defendants’ conspiracy to fix
4 prices on TFT-LCD Products sold in the United States and elsewhere. The plaintiffs allege the
5 conspiracy began in November 1, 1998 and continued through at least December 31, 2006 (the
6 “Class Period”).

7 In or about December of 2006, the Antitrust Division of the United States Department of
8 Justice (“DOJ”) sent out subpoenas to various companies in connection with an investigation of
9 cartel activity in the TFT-LCD industry. Several of these companies being investigated have
10 already pled guilty to price-fixing in the DRAM industry and have paid substantial fines to the
11 DOJ for those unlawful activities.

12 **III. RECIPROCITY**

13 The United States District Court for the Northern District of California would be willing to
14 provide similar assistance to the Appropriate Judicial Authority of Taiwan.

15 **IV. REIMBURSEMENT FOR COSTS**

16 Lead and Liaison Counsel for the Indirect-Purchaser Plaintiffs have represented that they
17 are willing to reimburse the appropriate Judicial Authority of Taiwan for costs incurred in
18 executing this Letter Rogatory in an amount not to exceed One Thousand Five Hundred dollars
19 (\$1500.00). If the costs for executing this Letter Rogatory will exceed US \$1500, please contact
20 Lead and Liaison Counsel for the Indirect-Purchaser Plaintiffs before exceeding this amount.
21 Their contact information is as follows:

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23 Zelle Hofmann Voebel Mason & Gette LLP
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25 Jack W. Lee
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27 360 Post Street, 8th Fl.
28

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2 Phone (415) 788-9000; Fax (415) 398-3887

3 In acknowledgment of the additional time which is needed to prepare and file a responsive
4 pleading to the attached documents, the time period is extended to 45 days after service.

5 The Court extends to the Appropriate Judicial Authorities of Taiwan assurances of its
6 highest consideration.

7
8 DATED: _____

By: _____



Hon. Susan Illston
United States District Judge
450 Golden Gate Ave, San Francisco, CA 94102
(415) 522-2028 (Tracy Sutton, Calendar Clerk)
(415) 22-2068 (Yumiko Saito, Docket Clerk)

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